

RCEP agreement threatens to trade away health of millions of people globally

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Ahead of the next round of negotiations of the Regional Comprehensive Economic Partnership Agreement (RCEP), which starts on 15th August in Vietnam, Médecins Sans Frontières (MSF) is appealing to the negotiators of all 16 countries to remove harmful intellectual property (IP) provisions that will block access to life-saving medicines for people living in the developing world.

The RCEP negotiations are all the more alarming as the harmful IP provisions are designed to block price-lowering generic competition from India. India-widely known as the 'pharmacy of the developing world'-supplies lifesaving, affordable generic medicines needed to treat a number of diseases across the world.

More than 97% of the essential drugs MSF uses to treat nearly 250,000 people living with HIV are affordable quality generics from India.

"As we move to Test & Start policies for HIV in South Africa and elsewhere in the region, MSF and governments will continue to require an uninterrupted supply of affordable, quality anti-retrovirals for a greater number of people living with HIV," explained Dr Amir Shroufi, Medical Coordinator for MSF in South Africa. "India provides the largest volume of medicines to South Africa of any other country, and healthcare providers will continue to require this trade partnership to supply affordable medicines - not just for HIV but also to treat other illnesses. We cannot let our patients' lifeline be cut by unjust trade agreements."

Last week India's Commerce Minister announced in parliament that Indian negotiators had successfully opposed a provision relating to evergreening - the abusive practice of claiming unjustified secondary patents on medicines to extend monopolies - leading to its removal from the proposed agreement.

Although this is an important victory for the global mobilization against the potential negative impact of the FTA on access to medicines, further harmful measures remain on the negotiating table.

"While we welcome India's statement on the removal of a provision that weakened patentability standards, there are still

several other damaging provisions in the agreement being pushed by Japan and South Korea", said Ms Leena Menghaney, Head-South Asia, MSF Access Campaign. "Proposed provisions such as data exclusivity are still under negotiation in RCEP, and are just another form of evergreening. By delaying the registration of generic versions of a medicine by several years, data exclusivity will effectively give a backdoor monopoly status to pharmaceutical corporations, even for drugs that do not deserve a patent".

The leaked draft of RCEP's negotiating text, especially the proposed chapters on Intellectual Property Rights (IPR), reveal that Japan and the Republic of Korea are pushing for IP provisions that go way beyond WTO trade rules.

These proposed provisions are similar to the Trans-Pacific Partnership agreement (TPP)-a FTA between the United States and 11 other Pacific-Rim countries-which is considered the worst trade deal ever for access to medicines.

Data exclusivity, patent term extensions and over-reaching IP enforcement measures all threaten to limit the ability of developing countries to access affordable medicines from India.

The potential harm caused by this FTA is magnified by the fact that the agreement seeks to limit the future ability of India to supply low cost generics of new lifesaving medicines to the world's poorest countries.